

ORDINANCE NO. 3692

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION
ORDINANCE BY AMENDING SECTIONS 203.06 AND 230.88
THEREOF RELATING TO DEFINITIONS, AND FENCING AND YARDS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider a Zoning Text Amendment, which amends Sections 203.06, and 230.88 of the Huntington Beach Zoning and Subdivision Ordinance relating to definitions, and fencing and yards; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Sections 203.06 and 230.88 of the Huntington Beach Zoning and Subdivision Ordinance are hereby amended in accordance with the Legislative Draft provided in Attachment A.

SECTION 2. This ordinance shall take effect thirty days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2005.

Mayor

REVIEWED AND APPROVED:

Lynette Callahan
City Administrator

APPROVED AS TO FORM:

Jennifer McGeath
12/27/05 City Attorney

INITIATED AND APPROVED:

Edward Gelfsky by *HF*
Director of Planning

ATTACHMENT "A"
ORDINANCE NO. 3692

LEGISLATIVE DRAFT

203.06 Definitions

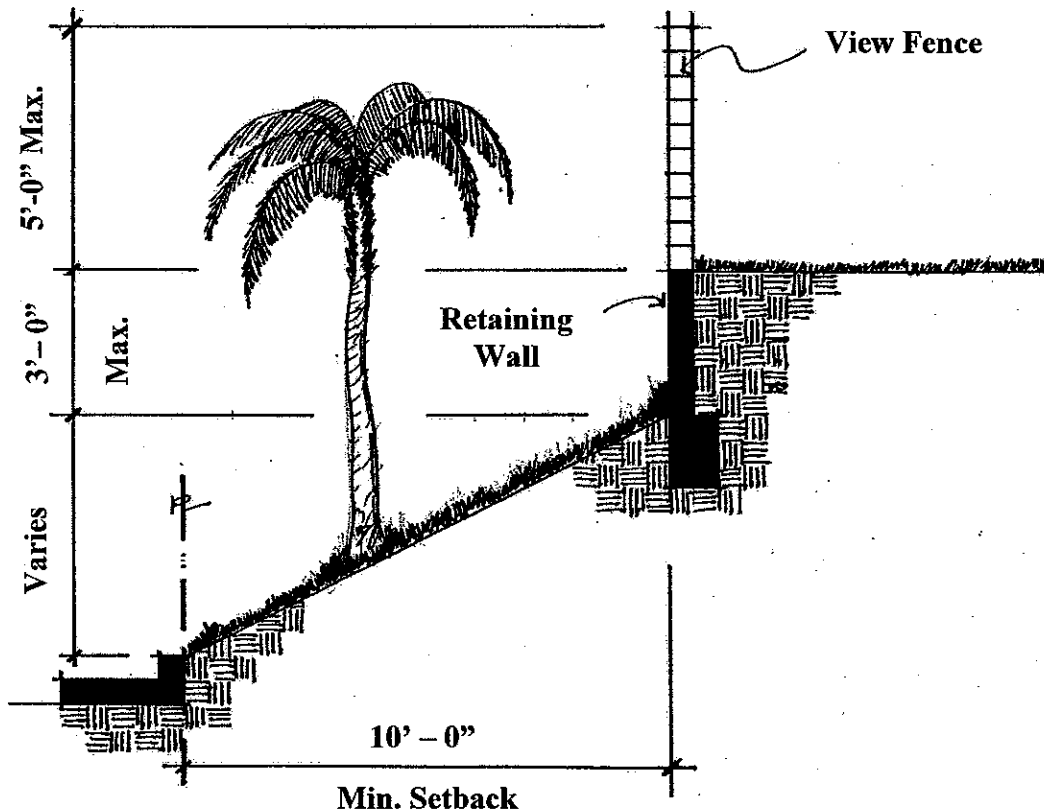
Frontage, Primary. The portion of a residential through lot that extends along the front property line adjacent to a local street.

Frontage, Secondary. The portion of a residential through lot that extends along the rear property line adjacent to a local street.

230.88 Fencing and Yards

A. Permitted Fences and Walls.

3. Fences or walls within the rear yard setback area along the secondary frontage of a through lot shall not exceed 42 inches in height. This subsection shall not apply to lots abutting arterial highways. Fences or walls that exceed 42 inches in height, and are located within the secondary frontage of a through lot, may be permitted provided they comply with the following design criteria:
 - a. A combination retaining wall and view fence with a maximum height of eight (8) feet, measured from the adjacent grade, shall be located at a ten-foot setback from the rear property line.
 - b. The maximum height of the retaining wall shall be three (3) feet and the maximum height of the view fence shall be five (5) feet. (See Exhibit Below)



G-2A.2

LEGISLATIVE DRAFT

11. Deviations from the maximum height requirements for walls as prescribed by this Section may be permitted subject to an approval of a conditional use permit by the Zoning Administrator

Exception: For through lots abutting a local street only, any deviation to either the height or setback of walls as described in Section 230.88.A.3. shall be subject to the variance provisions of Section 241.10 of the Huntington Beach Zoning and Subdivision Ordinance. In addition to the standard notification process, the notification shall be expanded to include all properties along the entire block that face the secondary frontage of a through lot.

ATTACHMENT NO. 1

SUGGESTED FINDINGS FOR APPROVAL

ZONING TEXT AMENDMENT NO. 03-01

SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 03-01:

1. Zoning Text Amendment No. 03-01 to amend Chapter 203, Chapter 210, and Chapter 230 of the Zoning and Subdivision Ordinance is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan because the amendments clarify the definitions for certain terms relating to walls and fences, expand the public notification to include property owners who face the rear of through lots, and specifies design criteria for walls at the rear of through lots. The zoning text amendment will allow for greater public participation and the design criteria established will create a uniform design standard for wall design.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment will result in increased compatibility between properties based on a standardized block wall design at the rear of through lots.
3. A community need is demonstrated for the change. The need for expanded notification for conditional use permits on residential through lots and design criteria for block walls are desired by the community.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice by codifying definitions and design criteria that that will regulate the development of block walls at the rear of through lots and protects the general welfare of the public through additional notification requirements.

G-2A.4



CITY OF HUNTINGTON BEACH

INTER-DEPARTMENT COMMUNICATION

TO: Honorable Mayor and City Council Members

VIA: Penelope Culbreth-Graft, City Administrator

FROM: Howard Zelefsky, Director of Planning *HZE g H*

SUBJECT: Zoning Text Amendment No. 03-01 (Through-Lot Fencing Standards)

DATE: January 3, 2004

The purpose of this memo is to provide clarification on the contents of the attached legislative draft. The legislative draft provides the two newly added definitions in Chapter 203 and the through lot fence design and administrative process within Chapter 230.88. These are the only amendments proposed by Zoning Text Amendment No. 03-01. A complete copy of both chapters is attached for your reference.

If you should have any questions, please contact Paul Da Veiga at (714) 374-5394.

Attachments: Ordinance No. 3692 with Legislative Draft
Chapter 203, HBZSO
Chapter 230.88, HBZSO

G-2A.5

Huntington Beach Zoning and Subdivision Ordinance
Section 203.06

G-2A.6

Chapter 203 Definitions

(3248-6/95, 3334-6/97, 3482-12/00, 3520-2/02, 3568-9/02)

Sections:

203.02	Applicability
203.04	Rules for Construction of Language
203.06	Definitions

203.02 Applicability

The meaning and construction of words and phrases defined in this chapter shall apply throughout the zoning and subdivision ordinance, except where the context clearly indicates a different meaning or construction.

203.04 Rules for Construction of Language

In addition to the General Provisions Chapter 1.04 of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions apply singly.
 - 3. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.
 - 4. "And/or" indicates that the connected words or provisions may apply singly or in any combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of Huntington Beach, unless otherwise indicated.
- E. All references to public officials are to those of the City of Huntington Beach, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.

G. Chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

H. The words "activities" and "facilities" include any part thereof.

203.06 Definitions

Abutting. Having district boundaries or lot lines or combinations thereof in common.

Access, Lateral. Public access along the coast.

Access, Vertical. Public access from the nearest public roadway to the shoreline.

Alley. A public or private way having an ultimate width of not less than 20 feet permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter. To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure.

Amendment. A change in the wording, context or substance of this ordinance, or a change in the district boundaries on the zoning map.

Animal, Exotic. Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large. An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Small. An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Antenna. Any structure, including but not limited to a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purposes of receiving or transmitting communications to or from another antenna, device or orbiting satellite, as well as all supporting equipment necessary to install or mount the antenna.

Antenna, Amateur Radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur station licensed by the Federal Communications Commission.

Antenna, Communication. All types of receiving and transmitting antenna, except satellite dish antenna, including but not limited to cable television antenna, wireless communication antenna, FM digital communication antenna, microwave telephone communication antenna, amateur radio antenna, and short-wave communication antenna and other similar antenna. (3568-9/02)

Antenna Height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

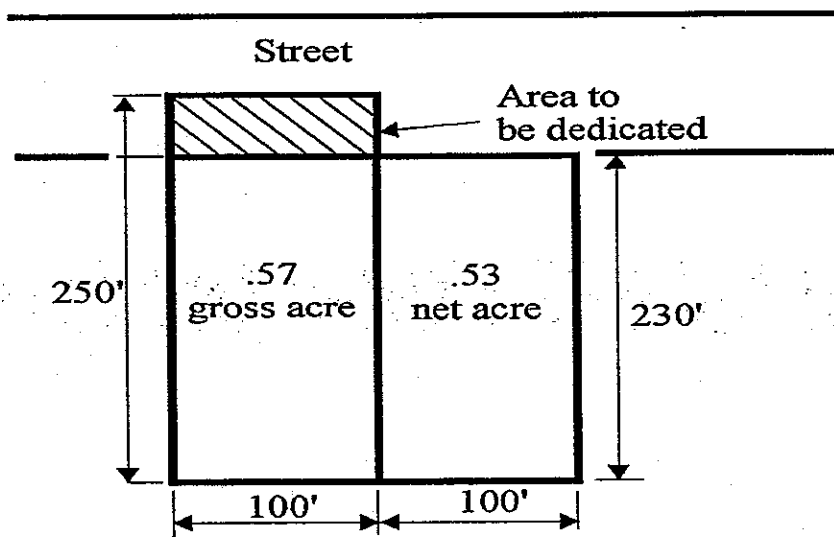
Antenna, Satellite Dish. An antenna for the purpose of receiving or transmitting communications to or from an orbiting satellite.

Antenna Whip. An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

Approach-Departure Path. The flight track of the helicopter as it approaches or departs from a designated takeoff and landing area, including a heliport, helipad, or helistop.

Architectural Projections or Appurtenances. Features on a building which provide visual variation and/or relief but do not serve as interior or exterior living or working space.

Area, Net Lot. The total horizontal area within the property lines of a parcel of land exclusive of all rights-of-way or easements which physically prohibit the surface use of that portion of the property for other than vehicular ingress and egress.



203-area.BMP

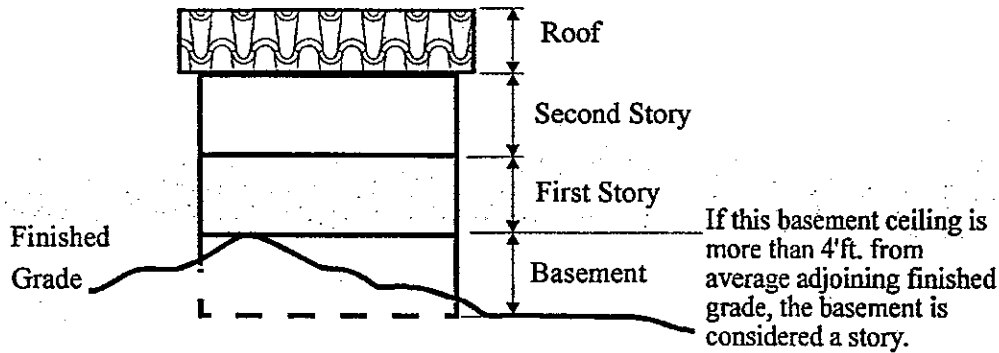
LOT AREA

Arterial. Any street, highway or road designated as an arterial street in the General Plan.

Attached Structures. Two or more structures sharing a common wall or roof.

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Basement. A story partly underground and having at least one-half of its height above the average adjoining grade. A basement shall be considered as a story if the vertical distance from the average adjoining grade to the ceiling is over four feet.



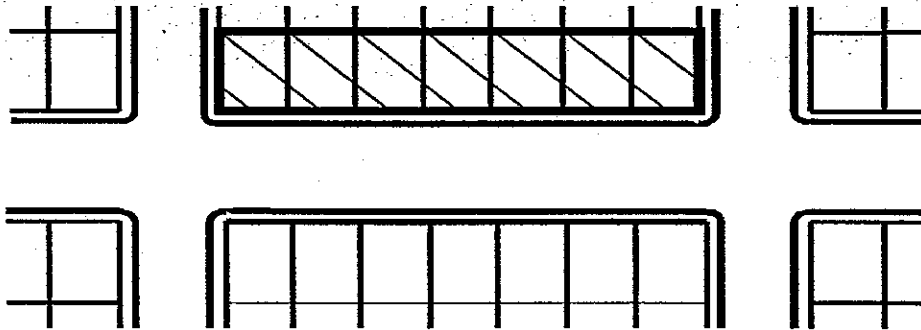
BASEMENT

203-BASE

Bay Window. A window that projects out from an exterior wall.

Bedroom. The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study, a den, a room having 100 square feet or more of floor area or less than 50 percent of one wall open to an adjacent room or hallway.

Blockface. The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary.



BLOCKFACE

203-BLK

Boarding House. A building with not more than five guest rooms where lodging and meals are provided for not more than 10 persons, but shall not include rest homes or convalescent homes. Guest rooms numbering six or over shall be considered a hotel.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Caretaker's quarters. A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

Carport. A permanent roofed accessory structure with not more than two enclosed sides intended for vehicle storage.

Cart/Kiosk. Any portable, non motorized unit used by a vendor as described in Section 230.94.

(3248-6/95, 3334-6/97, 3482-12/00)

City. The City of Huntington Beach.

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, optometrists, psychologists, or social workers practicing together.

Coastal Zone. A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

Collection Containers. Containers or buildings with a gross floor area of 500 square feet or less used for the deposit and storage of household articles or recyclables.

Commission. The Huntington Beach Planning Commission.

Community Apartment Project. A project in which an individual interest in land is coupled with the right exclusively to occupy an individual unit, as provided in Section 11004 of the California Business and Professions Code.

Completely Rebuilt. Rebuilding the nonconforming structure or use as it had legally existed immediately prior to its destruction.

Conditional Use. A use of land that, due to the specific nature and unique characteristics of the use, requires special standards and discretionary review.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

Conforming Building. A building that fully meets the requirements of Title 17 (Building Regulations) and also conforms to all property-development regulations and requirements prescribed for the district in which it is located.

Convenience Market. A retail use in conjunction with gasoline sales in which the sales room exceeds 200 square feet.

Court. An outdoor, unenclosed area intended to provide light, air, and privacy for individual dwelling units in multi-family projects.

Coverage, Lot or Site. The percentage of a lot or site covered by roofs, balconies, fireplaces, architectural projections, or overhangs extending more than 2.5 feet from a wall, decks more than 42 inches in height above grade, and stairs.

Deck. A platform, either free-standing or attached to a building, but without a roof, that is supported by pillars, posts, or walls (see also Balcony).

Demolition. The deliberate removal or destruction of the frame or foundation of any portion of a building or structure for the purpose of preparing the site for new construction or otherwise.

Density Bonus. An increase in the proposed number of units of twenty-five percent (25%) or greater over the number permitted pursuant to the current zoning and general plan designation on the property.

Director. The Director of Planning or his or her designee. (3520-2/02)

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A portion of the city within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance. The zoning ordinance establishes "base zoning districts" for residential, commercial, industrial, public and open space uses, and "overlay districts," which modify base district provisions and standards.

Drilling. The digging or boring of a new well into the earth for the purpose of exploring for, developing or producing oil, gas or other hydrocarbons, or for the purpose of injecting water, steam or any other substance into the earth.

Dwelling, Multiple Unit. A building or buildings designed with two (2) or more dwelling units.

Dwelling, Single Unit. A detached building designed primarily for use as a single dwelling, no portion of which is rented as a separate unit, except as permitted by this Code. Attached single family dwellings shall be considered as multi-family.

Dwelling, Accessory Unit. A fully equipped dwelling unit which is ancillary and subordinate to a principle dwelling unit located on the same lot in the RL zone. Also known as second dwelling unit or "granny unit."

Dwelling, Studio Unit. A dwelling unit consisting of 1 kitchen, 1 bathroom, and 1 combination living room and sleeping room. The gross floor area shall not exceed 500 square feet, or it shall be considered as a one bedroom unit. Also known as a single, a bachelor, or an efficiency unit.

Dwelling Unit. One or more habitable rooms with only one kitchen, and designed for occupancy as a unit by one or more persons living as a household unit with common access to all living, kitchen, and bathroom areas.

Energy Facility. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy.

Environmental Impact Report (EIR). A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Environmentally Sensitive (habitat) Area. A wetland or any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Exemption, Categorical. An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, which have been determined to not have a significant effect on the environment.

Family. A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

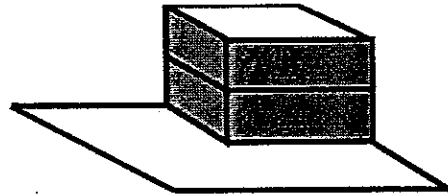
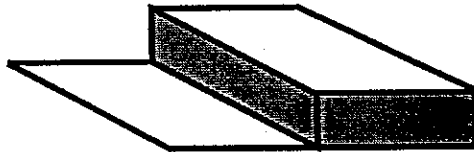
(3334-6/97)

Floor Area, Gross. The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevators shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas, but excluding area for vehicle parking and loading.

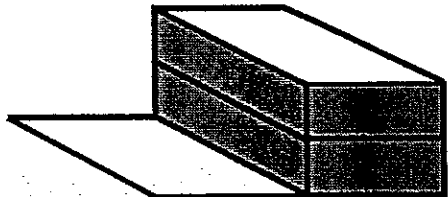
Floor Area Ratio (FAR). Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FLOOR AREA RATIO

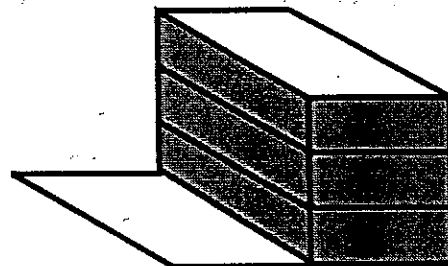
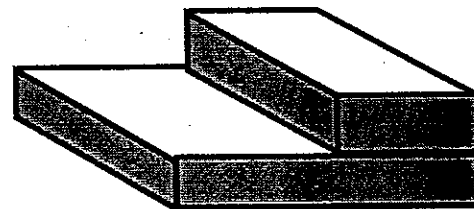
FAR of 0.5



FAR of 1.0



FAR of 1.5



FAR

203-FAR

Frontage. The linear length of a building which contains a public entrance or a lot measured along the property line adjacent to a street or easement.

Functional Capacity. The ability of an environmentally sensitive area to be self-sustaining and to maintain natural species diversity.

General Plan. The City of Huntington Beach General Plan.

Grade, Existing. The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance.

Grade, Street. The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Guest House. Living quarters within a main or an accessory building for the sole purpose of providing for persons employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities, and shall be limited to one room, no greater than 500 square feet in size with no more than three plumbing fixtures.

Height of Building. A vertical dimension measured from the top of the highest roof to the top of the subfloor/slab directly underneath. (See Section 230.72.)

Helipad or Helistop. A heliport without auxiliary facilities such as waiting room, helicopter parking, fueling and maintenance equipment.

Heliport. An area, either at ground level or elevated on a structure, that is used or intended to be used for the takeoff and landing of helicopters, and includes some or all the various facilities useful to helicopter operations, including helicopter parking, waiting room, fueling and maintenance equipment.

Home Occupation. Business activity conducted in a dwelling unit in a residential district that is incidental to the principal residential use of a lot or site.

Illumination, Direct. Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, Indirect. Illumination by means only of light cast upon an opaque surface from a concealed source.

Incentives. Policies, programs or actions taken by the City designed to ensure that a development will be produced at a lower cost.

Junk Yard. The use of a lot, or contiguous lots, or any portion thereof for the storage of junk, including scrap metal, or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery.

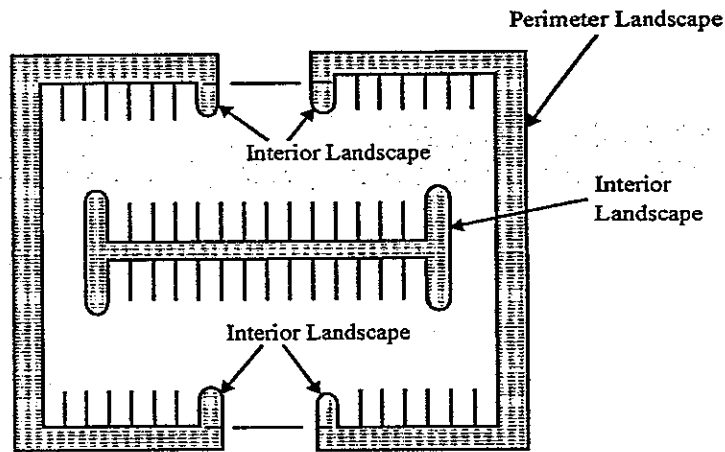
Kennel. Any premises where four or more dogs or cats at least four months of age are kept for any purpose.

Kitchenette or Kitchen. Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, or similar room adjacent to or connected with a kitchen.

Landscaping. An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

Landscaping, Interior. A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

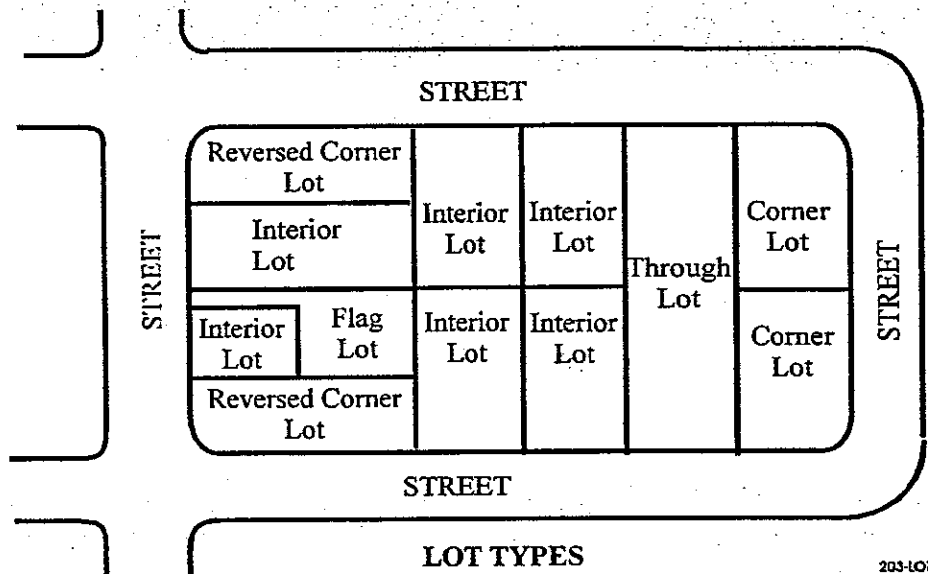
Landscaping, Perimeter. A landscaped area adjoining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways which provide access to the facility.



LANDSCAPING: PERIMETER INTERIOR

Lodger. Any person other than a member of a family renting a room for living or sleeping purposes.

Lot. Any numbered or lettered parcel shown on a recorded final map, record of survey pursuant to an approved division of land, or a parcel map and abuts a street, alley or recorded access easement.



Lot, Corner. A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

Lot Depth. The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the most distant point on any other lot line where there is no rear-lot line.

Lot, Flag. A lot with developable area connected to a street by a narrow strip of land that includes a driveway.

Lot or Property Line, Rear. A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line.

Lot or Property Line, Front. The street property line adjacent to the front yard.

Lot or Property Line, Interior. A lot line not abutting a street.

Lot or Property Line, Side. Any lot line that is not a front lot line or a rear lot line.

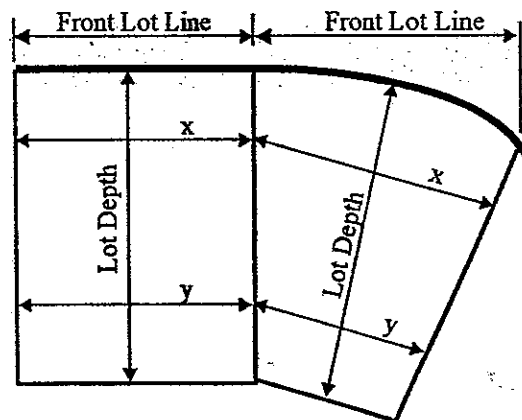
Lot or Property Line, Street. A lot line abutting a street.

Lot, Reverse Corner. A corner lot, the side line of which is substantially a continuation of the front lot line of the lot to its rear.

Lot, Street-Alley. An interior lot having frontage on a street and an alley.

Lot, Through. A lot having frontage on two dedicated parallel or approximately parallel streets.

Lot Width. The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at mid-points 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.



$$\text{Lot Width} = (x + y) / 2$$

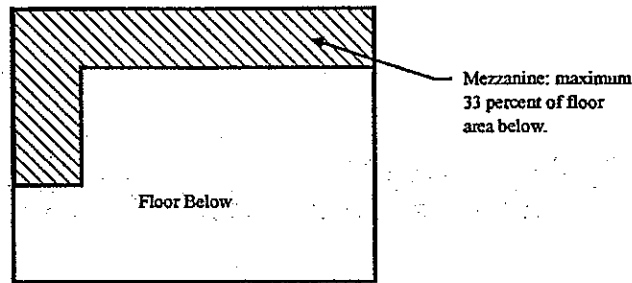
LOT WIDTH

203-LOTW

Lower Income Household. A household whose annual income is at or below eighty percent (80%) of Orange County median income as defined by the State of California Department of Housing and Community Development.

Manufactured Home. A structure transportable in sections which is a minimum of 8 feet in width and 40 feet in length, built on a permanent chassis, and designed to be a dwelling with or without a permanent foundation. Manufactured home includes mobilehome.

Mezzanine. An intermediate floor within a room containing not more than 33 percent of the floor area of the room.



MEZZANINE

Moderate Income Household. A household whose annual income is at or below one hundred twenty (120%) percent of Orange County median income as defined by the State of California Department of Housing and Community Development.

Municipal Code. The Municipal Code of the City of Huntington Beach.

Negative Declaration. A written statement briefly describing the reasons that a proposed project will not have a significant impact on the environment which meets the requirements of the California Environmental Quality Act. (3334)

Net Site Area. See Area, Net Lot.

New Well. A new well bore or well hole established at the ground surface. Redrilling from the well bore or well hole of an existing well greater than 150 feet from the existing well bore shall constitute a new well.

Nonconforming Structure. A structure that was lawfully erected but which does not conform with the current development standards.

Nonconforming Use. A use of a structure or land that was lawfully established and maintained, but which does not conform with the current zoning ordinance.

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities. A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Oil operation. The use or maintenance of any installation, facility, or structure used, either directly or indirectly, to carry out or facilitate one or more of the following functions: drilling, rework, repair, redrilling, production, processing, extraction, assisted recovery, stimulation storage or shipping of oil gas or hydrocarbons from the subsurface of the earth.

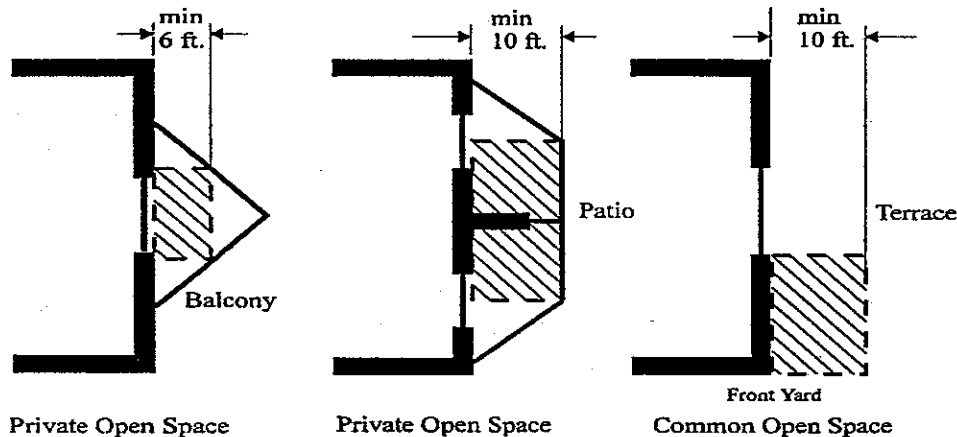
Oil operation site. The physical location where an oil operation is conducted.

Open Space, Common. A usable open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Total. The sum of private and common open space.

Open Space, Usable. Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping. Usable open space does not include parking facilities, driveways, utility or service areas, any required front or street side yard, any space with a dimension of less than 6 feet in any direction or an area of less than 60 square feet.



USABLE OPEN SPACE

Oversize Vehicle. Any vehicle which exceeds twenty-five (25) feet in length, seven (7) in width, seven (7) in height, or a weight of 10,000 pounds, motorized or nonmotorized. Oversize vehicle also includes any equipment or machinery regardless of size.

Parking Structure. A structure used for parking or vehicles where parking spaces, turning radius, and drive aisles are incorporated within the structure.

Patio. A paved court open to the sky.

Permitted Use. A use of land that does not require approval of a conditional use permit or temporary use permit.

Planned Unit Development (PUD). A large scale development of a parcel or of a combination of related parcels to be developed by a single owner or group of owners acting jointly, involving a related group of uses, planned as an entity and having a predominant developmental feature which serves to unify or organize development.

Porch. An open or covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Private Property. Property owned in fee by an individual, corporation, partnership, or a group of individuals as opposed to public property. (3249-6/95, 3334; 3482-12/00)

Project. Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance.

Public Property. Property dedicated through acquisition or easement for public use which includes but is not limited to streets, alleys, parks, public right-of-ways, and sidewalks.
(3249-6/95, 3334-6/97, 3482-12/00)

Qualifying Senior Resident. A person who is 62 years of age or older. (Section 51.2 of the California Civil Code.)

Remodel. The upgrade of the interior or exterior faces of a building or structure without altering to any degree the structural integrity.

Residential Infill Lot. A residential infill lot is a parcel of land which, at the time of application for a building permit, is contiguous to one (1) or more existing developed single family residential properties and is: (3301-11/95, 3334-6/97)

1. A vacant parcel intended for detached single family development, or (3301-11/95, 3334-6/97)
2. A parcel with an existing residential structure which will have fifty percent (50%) or more square footage of the habitable area removed in order to construct a remodeled or new multistory detached single family dwelling unit. (3301-11/95, 3334-6/97)

Room, Habitable. A room meeting the requirements of the Uniform Building Code for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, attics, foyers, storage spaces, utility rooms, garages, and similar spaces.

Senior Housing. Housing for a family in which at least one person per unit is 60 years old or older, or for a single person who is 60 years old or older.

Setback Line. A line across the front, side, rear of any private or public property which delineates an area adjoining a property line in which erection of a building, fence, or other structure is prohibited except as otherwise provided in the zoning ordinance.

Significant Disruption. Having a substantial adverse effect upon the functional capacity.

Single Ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site. A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Specific Event. A short term temporary use of public property as defined in Section 5.68.010. (3249-6/95, 3334-6-97, 3482-12/00)

Specific Plan. A plan for a defined geographic area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Stock Cooperative. A corporation formed for the primary purpose of holding title to, either in fee simple or for a term of years, any real property where the shareholders of the corporation receive a right of exclusive occupancy in a portion of such real property and where the right of occupancy is only transferable by the transfer of shares of stock in the corporation.

Story. That portion of a building included between the surface of any floor and the surface of the floor or finished undersurface of the roof directly above it.

Structure. Anything constructed or erected that requires a location on the ground, excluding swimming pools, patios, walks, access drives, or similar paved areas.

Takeoff and Landing Area. That area of the helicopter facility where the helicopter actually lands and takes off.

Transmission Line. An electric power line bringing power to a receiving or distribution substation.

Usable Satellite Signals. Satellite signals from all major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable televisions.

Use, Accessory. A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Value. The monetary worth of a structure determined by the valuation figures used by the Director for the purpose of calculating building permit fees.

Very Low Income Household. A household whose annual income is at or below fifty (50%) percent of Orange County median income as defined by the State of California Department of Housing and Community Development.

Wetbar. A fixed installation within a dwelling unit providing cold and/or hot water to a single sink without a garbage disposal at a location other than a kitchen or laundry. A wetbar area shall not include a stove, range, or similar appliance usually found in a kitchen, and if such wetbar is located in a room or a portion of a room with a stove, hot plate, range, oven or other type of kitchen facility, it shall be deemed a separate kitchen.

Wetland. Lands within the coastal zone which maybe covered periodically or permanently with shallow water and include salt water marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Window, Required. An exterior opening in a habitable room meeting the area requirements of the Uniform Building Code.

Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, or rear yard.

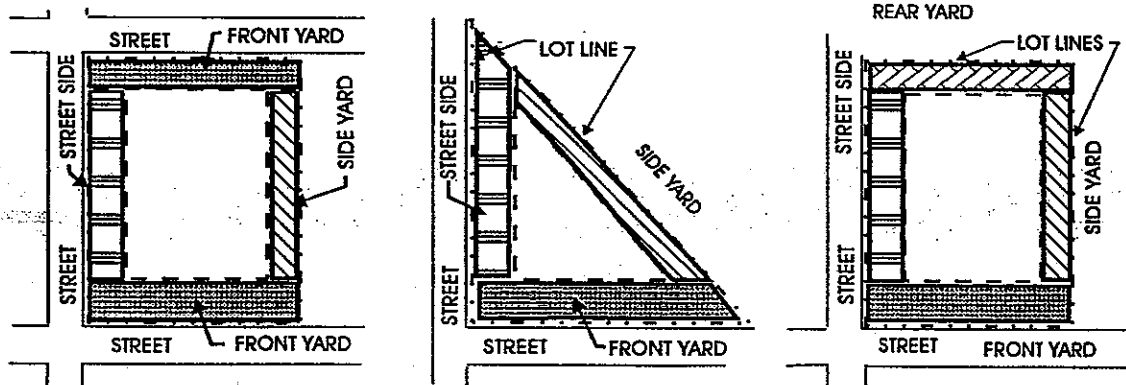
Yard, Front. An area between the front lot line and the front setback line extending across the full width of a site. The front yard of a corner lot shall adjoin the shortest street property line along its entire length. Where one street property line is at least 75 percent of the length of the other street property line, the Director shall determine the location of the front yard.

Yard, Rear. An area between the rear lot line and the rear setback line extending across the full width of a site. On a corner lot the rear yard shall extend only to the side yard abutting the street.

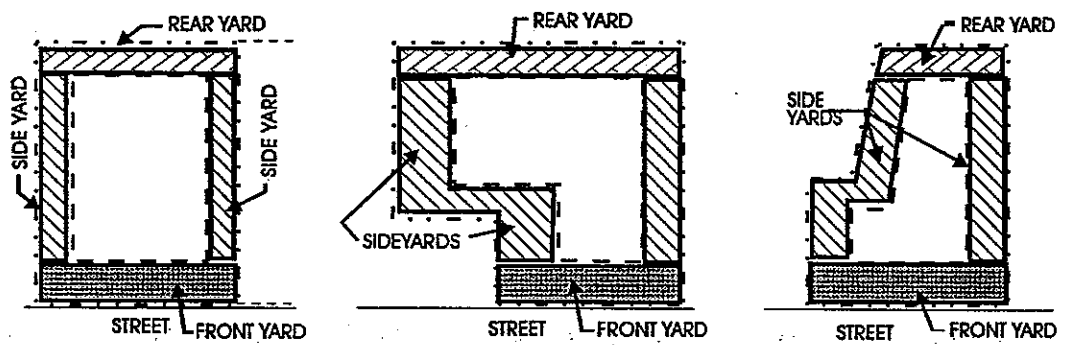
Yard, Side. An area between the rear setback line and the front setback line and between the side property line and side setback line. The side yard on the street side of a corner lot shall extend to the rear lot line.

Zoning Ordinance. The Zoning Ordinance of the City of Huntington Beach.

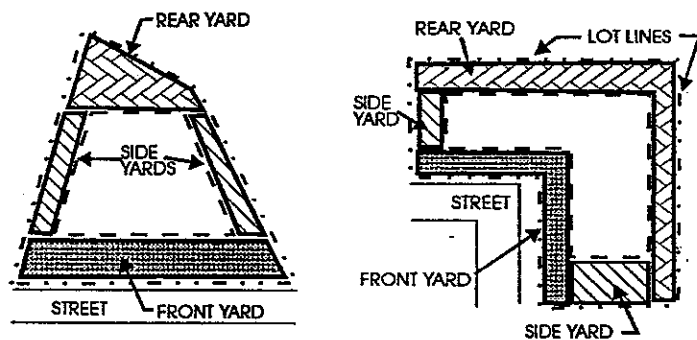
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CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD - SHAPED LOT EXAMPLES

LEGEND

- BUILDING (ZONING) ENVELOPE (TWO DIMENSIONAL)
- - - LOT LINES

REQUIRED YARDS

G-2A.22

Huntington Beach Zoning and Subdivision Ordinance
Section 230.88

G-2A.23

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A. Time Limit.

1. A Christmas tree sales facility shall not be open for business during any calendar year prior to Thanksgiving.
2. A Halloween pumpkin sales facility shall not be open for business during any calendar year prior to October 1.
3. A single agricultural product sales facility shall be approved for a period of time not to exceed 90 days.

B. Merchandise to be Sold. A permitted Christmas tree or Halloween pumpkin sales facility may not sell items not directly associated with that season. Only one single, season agricultural product may be sold at any one time.

C. Site Standards.

1. Storage and display of products shall be set back not less than ten (10) feet from edge of street pavement, and shall not encroach into the public right-of-way.
2. A minimum of ten (10) off-street parking spaces shall be provided.
3. Ingress and egress to the site shall be reviewed by the Department of Public Works to insure that no undue traffic safety hazard will be created.
4. Temporary structures shall comply with Building Division standards.
5. Electrical permit shall be obtained if the facility is to be energized.
6. The facility shall comply with fire prevention standards as approved and enforced by the Fire Chief.

D. Bond Required. Prior to issuance of a business license and approval by the Director, a five hundred dollar (\$500) cash bond shall be posted with the City to ensure removal of any structure, cleanup of the site upon termination of the temporary use, and to guarantee maintenance of the property. A bond shall not be required for a seasonal sales facility operated in conjunction with a use on the same site.

E. Removal of facility. The seasonal sales facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment within ten calendar days of Halloween, Christmas, or the expiration of the time limit for single season agricultural product.

230.88 Fencing and Yards

No portion of a required yard area provided for a structure on a lot shall be considered as part of the yard area for any other structure on the same or an adjacent lot. In all districts, minimum setback lines shall be measured from the ultimate right-of-way line. Diagrams A, B and C are hereby adopted to illustrate the provisions of this chapter. Where any discrepancy occurs between the diagrams and the printed text, the text shall prevail. Yards and fencing shall comply with the following criteria in all districts or as specified.

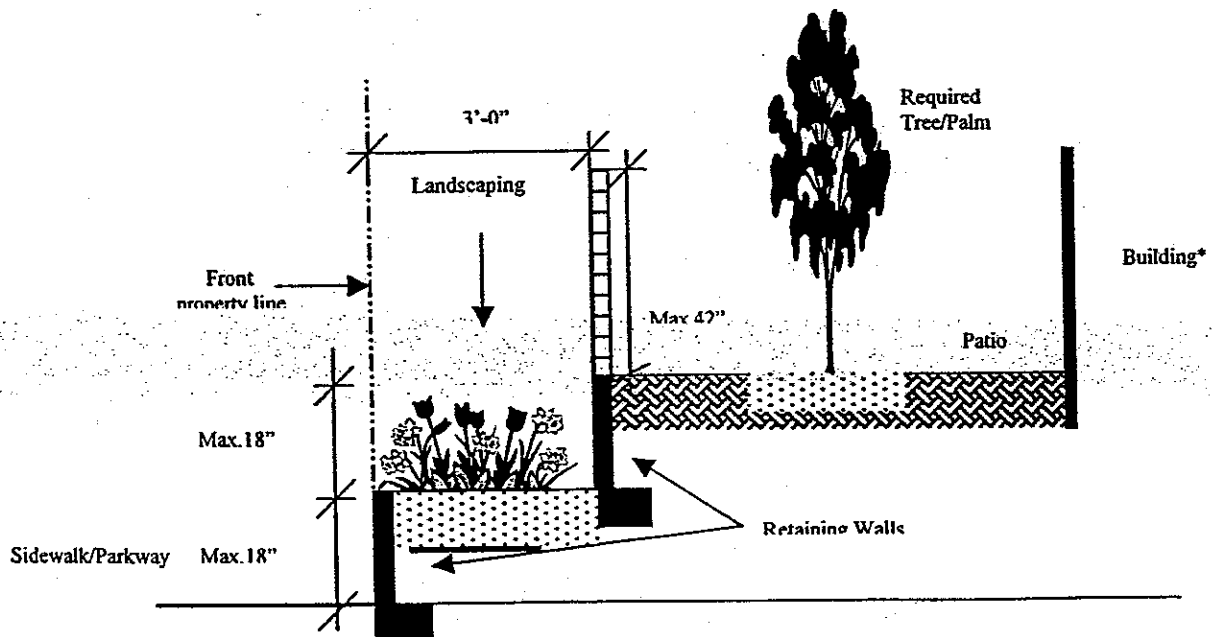
G-2A.24

A. Permitted Fences and Walls.

1. Fences or walls a maximum of forty-two (42) inches in height may be located in any portion of a lot, except screen walls on lots in the RMH-A subdistrict shall be set back a minimum of three (3) feet from the front property line. Fences or walls exceeding forty-two (42) inches in height may not be located in the required front yard, except as permitted elsewhere in this Section. (3334-6/97, 3410-3/99)
2. Fences or walls a maximum of six (6) feet in height may be located in required side and rear yards, except as excluded in this Section. Fences or walls exceeding six (6) feet in height may be located in conformance with the yard requirements applicable to the main structure except as provided for herein or in the regulations of the district in which they are located.
 - a. Fences and walls located adjacent to arterials along the rear and/or street side yard property lines, and behind the front setback, may be constructed to a maximum total height of eight (8) feet including retaining wall with the following: (3525-2/02)
 - (1) The proposed building materials and design shall be in conformance with the Urban Design Guidelines. (3525-2/02)
 - (2) Extensions to existing wall(s) shall require submittal of engineering calculations to the Building and Safety Department. (3525-2/02)
 - (3) The property owner shall be responsible for the care and maintenance of landscape area(s) and wall(s) and required landscape area(s). (3525-2/02)
 - (4) Approval from Public Works Department. (3525-2/02)
3. Fences or walls in the rear yard setback area of a through-lot shall not exceed forty-two (42) inches in height. This subsection shall not apply to lots abutting arterial highways.
4. In the RL district, garden or wing walls or fences equal in height to the first floor double plate, but not exceeding nine (9) feet, which are perpendicular to and entirely within a side yard may be constructed to the interior side property line and to within five (5) feet of the exterior side property line provided they are equipped with a three (3) foot gate or accessway.
5. When residential property abuts open or public land or property zoned or used for office, commercial, or industrial purposes, an eight (8) foot high solid masonry or block wall may be constructed on the common side or rear property line.
6. In order to allow variations in the street scene in R districts, fences or walls exceeding forty-two (42) inches in height may be permitted at a reduced front setback of six (6) feet subject to plan review approval by the Director in conformance with the following criteria:
 - a. The reduced setback shall be only permitted for five (5) or more contiguous lots under the same ownership and only at the time of initial construction of the dwellings.
 - b. Such walls shall not encroach into the visibility triangular area formed by measuring seven and one-half (7.5) feet along the driveway and ten (10) feet along the front property line at their point of intersection.
 - c. Such walls shall conform to all other applicable provisions of this section.

7. Retaining walls shall comply with the following:

- a. Where a retaining wall is located on the property line separating lots or parcels and protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.
- b. Where a retaining wall is on the property line of a rear yard abutting an arterial or exterior side yard and contains a fill of two (2) ft. or less or protects a cut below the existing grade, such retaining wall may be topped with a six (6) ft. decorative masonry wall.
- c. Where a retaining wall is on the property line of a rear yard abutting a local street, the maximum retaining wall height shall be twenty-four (24) inches as measured from the adjacent curb and may be topped with a maximum eighteen (18) inch decorative wall or fence for a total height of forty-two (42) inches.
- d. (1) The maximum height of a retaining wall on the front property line shall be thirty-six (36) inches as measured from the top of the highest adjacent curb. Subject to the Director's approval, a maximum forty-two (42) inch high wall or fence may be erected above the retaining wall with a minimum three (3) foot setback from the front property line. (3334-6/97, 3410-3/99)
- (2) In the RMH-A subdistrict, the maximum height of a retaining wall on the front property line shall be eighteen (18) inches as measured from the top of the highest adjacent curb. Subject to the Director's approval, a second retaining wall up to eighteen (18) inches in height may be erected above the eighteen (18) inch high retaining wall with a minimum three (3) foot front setback. A wall or fence up to forty-two (42) inches in height may be erected on top of the retaining wall with the minimum three foot front setback. (See Exhibit below.) (3410-3/99)



*See Maximum building height in Chapter 210

- e. All retaining walls abutting a street shall be waterproofed to the satisfaction of the Director.
- f. Retaining wall and fence combinations over eight (8) feet in height shall be constructed with a variation in design or materials to show the distinction. Retaining wall and fence combinations over six (6) feet in height shall be designed without decorative block or cap block, except if equal in strength to the main portion of the fence.
8. The height of any fence, wall or hedge located in the front yard setback shall be measured from top of the highest adjacent curb. All other fence heights shall be measured from existing grade.
9. Any fence or wall located on the front property line shall be approved by the Department of Public Works.
10. In the industrial districts, nine (9) foot high fences may be permitted in the side and rear setbacks up to the front building line subject to plan review approval by the Director.
11. Deviations from the maximum height requirements for walls as prescribed by this Section may be permitted subject to an approval of conditional use permit by the Zoning Administrator.
12. Within the coastal zone, no gate, fence or wall shall be permitted that restricts or obstructs public access to the shore. (3334-6/97)

B. Required Walls.

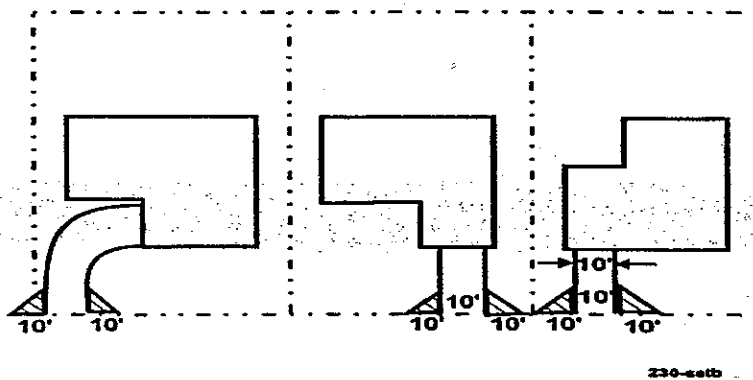
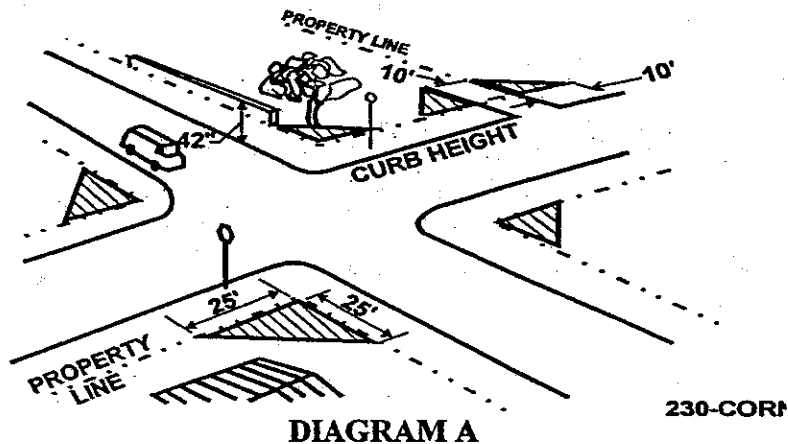
1. When office, commercial or industrial uses abut property zoned or used for residential, a six (6) foot high solid six (6) inch concrete block or masonry wall shall be required. If a wall meeting these standards already exists on the abutting residential property, protection from vehicle damage shall be provided by a method approved by the Director. The maximum fence height shall be eight (8) feet at the common property line, subject to the same design standards and setback requirements as specified for six (6) foot high fences.
2. Industrial screening walls abutting arterial highways shall be architecturally compatible with surrounding properties, constructed of a minimum six (6) inch wide decorative masonry block, and designed with landscape pockets at thirty-five (35) foot intervals along the street side sufficient in size to accommodate at least one (1) 15-gallon tree. Approval of a conditional use permit by the Zoning Administrator shall be required prior to construction of such walls.

C. Visibility.

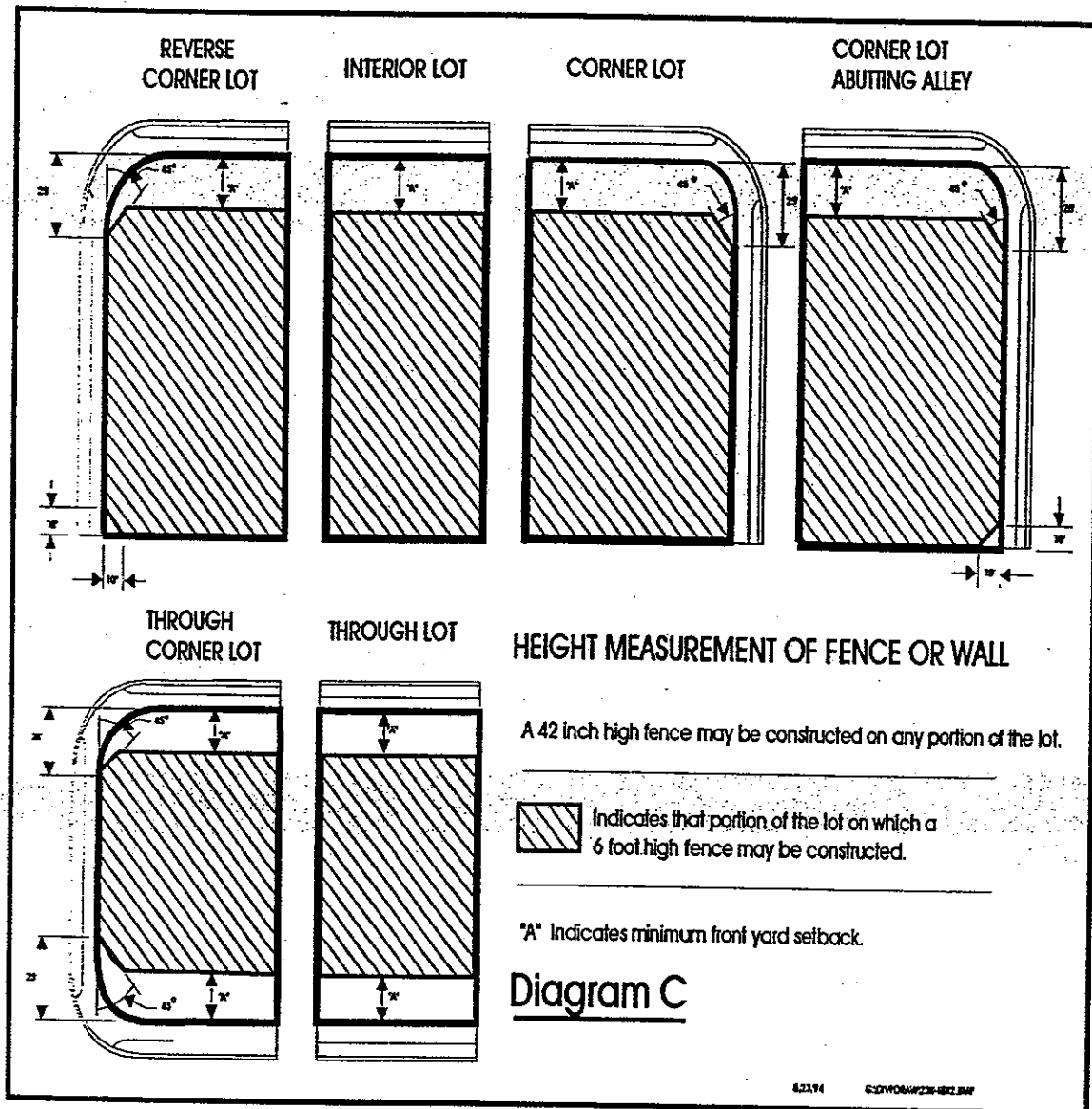
1. On reverse corner lots and corner lots abutting an alley, no fence, wall or hedge greater than forty-two (42) inches in height may be located within the triangular area formed by measuring ten (10) feet from the intersection of the rear and street side property lines.
2. On corner lots, no fence, wall, landscaping, berming, sign, or other visual obstruction between forty-two (42) inches and seven (7) feet in height as measured from the adjacent curb elevation may be located within the triangular area formed by measuring twenty-five

(25) feet from the intersection of the front and street side property lines or their prolongation. Trees trimmed free of branches and foliage so as to maintain visual clearance below seven (7) feet shall be permitted.

3. Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall not be blocked between a height of forty-two (42) inches and seven (7) feet within a triangular area formed by measuring ten (10) feet from intersecting driveways or street/alley and driveway.



STREET/ALLEY
DIAGRAM B



230.90 Contractor's Storage Yards/Mulching Operation

Contractor's storage yards in conjunction with public facility improvement contracts, and mulching operations on unimproved public or private property may be permitted subject to the following:

- Initial approval shall be for a maximum of two (2) years. The use shall be eligible for a maximum of three one year extensions by the Planning Commission.
- The development shall comply with parking, access and setback requirements contained in Chapter 231.

230.92 Landfill Disposal Sites

Excavation of landfills or land disposal sites shall be subject to the requirements of this section. These provisions are not intended to apply to grading and surcharging operations, permitted

6-2A-29

Huntington Beach City Council

12-21-04

Re: Property Rights of Through Lot Owners.

Dear City Council Members

My name is Tom Scott and I live at 4212 Windsor Drive, corner of Windsor and Bedford Lane, and the back of the lot backs up to Westport. One side and the back of the lot have landscaped banks. (Approx 1200 sq. ft) This is property that I have paid for and I feel that I, or a next owner should be able to develop it as other people in the area have done. I don't have plans to make any changes at this time, but want the option to in the future.

Thank you for your consideration in this matter.

Tom Scott
4212 Windsor Dr.
Huntington Beach CA 92649
714-846-6435

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Communication for 1/3/05
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